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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-686

13 **CELESTINE B. CARUSO, a.k.a.**  
14 **CELESTINE BERGERON CARUSO, a.k.a.**  
15 **CELESTINE CARUSO**  
2841 Ormond Avenue  
Baton Rouge, LA 70820

**A C C U S A T I O N**

Registered Nurse License No. 627325

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 1, 2003, the Board of Registered Nursing issued Registered  
24 Nurse License Number 627325 to Celestine B. Caruso, also known as Celestine Bergeron Caruso,  
25 also known as Celestine Caruso (Respondent). The Registered Nurse License expired on  
26 November 30, 2004, and has not been renewed.  
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1       “(a) Unprofessional conduct, which includes, but is not limited to, the following:

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3       “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
4 against a health care professional license or certificate by another state or territory of the United  
5 States, by any other government agency, or by another California health care professional  
6 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
7 action.”

8                               CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

9       9.     Code section 4021 states:

10       “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
11 11053) of Division 10 of the Health and Safety Code.”

12       10.    Code section 4022 provides:

13       “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in  
14 humans or animals, and includes the following:

15       “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
16 prescription,’ ‘Rx only’ or words of similar import.

17       “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale  
18 by or on the order of a \_\_\_\_\_,’ ‘Rx only,’ or words of similar import . . .

19       “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
20 prescription or furnished pursuant to Section 4006.”

21       11.    Dilaudid, a brand name for Hydromorphone, is a Schedule II controlled substance as  
22 designated by Health and Safety Code section 11055, and a dangerous drug as defined by Code  
23 section 4022. Dilaudid is a hydrogenated ketone of morphine and is a narcotic analgesic. Its  
24 principal therapeutic use is relief of pain. Psychological dependence, physical dependence, and  
25 tolerance may develop upon repeated administration of narcotics.

26       12.    Clonazepam, formerly known as Klonopin, is a Schedule IV controlled substance as  
27 designated by Health and Safety Code section 11057, and a dangerous drug as defined by Code  
28 section 4022. Clonazepam is an anticonvulsant of the benzodiazepine class of drugs. It produces

1 central nervous system depression and should be used with caution with other central nervous  
2 system depressant drugs. Like other benzodiazapines, it can produce psychological and physical  
3 dependence. Withdrawal symptoms similar to those noted with barbiturates and alcohol have  
4 been noted upon abrupt discontinuance of Klonopin.

#### 5 COST RECOVERY

6 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licentiate found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
10 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
11 included in a stipulated settlement.

#### 12 CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct – Out of State Discipline)  
14 (Bus. & Prof. Code § 2761, subd. (a)(4))

15 14. Respondent has subjected her registered nurse license to disciplinary action under  
16 Code section 2761, subdivision (a)(4), in that on or about June 22, 2010, in a disciplinary action  
17 entitled "In the Matter of Celestine Bergeron Caruso," before the Louisiana State Board of  
18 Nursing ("Louisiana Board"), the Louisiana Board entered a Consent Order staying the  
19 suspension of Respondent's Louisiana registered nurse license. The Consent Order reinstated  
20 Respondent's license and placed her on probation for a minimum of 5 years. The stay on the  
21 suspension of Respondent's license was contingent upon Respondent doing the following during  
22 her 5 year probation: (1) continue to adhere to the Recovering Nurses Program ("RNP")  
23 Agreement, signed on February 19, 2010; (2) inform all nursing employers of the Louisiana  
24 Board's disciplinary measures and the probationary status of her license; (3) within 5 days, cause  
25 each of her employers to submit a signed Employment Agreement to the Louisiana Board; (4)  
26 work in a restrictive environment as a member of a treatment team rather than alone or with a few  
27 employees; (5) work only under the direct supervision of an on-site registered nurse; (6) not be  
28 employed by an agency, pool, staffing, home health services, or nursing home unless approved by

the Louisiana Board; (7) have all immediate nursing supervisors submit a bimonthly performance evaluation report to the Louisiana Board; (8) remain free of alcohol and all un-prescribed mood altering substances; (9) maintain complete and total abstinence from any and all potentially addictive chemicals except as prescribed for a bona fide medical condition; (10) voluntarily submit to random and observed drug screens at least 26 times per year; (11) avoid exposure to anything that would cause a positive urine drug test, such as hemp oil, coca tea, and poppy seeds; (12) immediately inform the Louisiana Board of any change of address; (13) immediately inform the Louisiana Board of all places of employment and any changes in employment; (14) inform the Board on a quarterly basis if unemployed; (15) engage in the practice of professional nursing in Louisiana for a minimum of 24 hours per week for a minimum of 24 consecutive months; (16) pay costs to the Louisiana Board; and (17) not have any misconduct, criminal violations or convictions, or violations of any health care regulations.

15. The Louisiana Board's Consent Order was based upon the following Findings of Fact: On or about April 27, 2005, Respondent entered into a 3 year confidential RNP Agreement for opiate dependence. In May 2005, Respondent completed a comprehensive residential evaluation and a Partial Hospitalization Program at the Addictive Behavior Unit at Ochsner Clinic Foundation. Respondent was deemed fit to return to work with skill and safety.

16. On or about June 30, 2005, Respondent submitted a urine drug screen which was deemed positive for Clonazepam, as Clonazepam was not included in Respondent's Medication Report. On or about July 1, 2005, Respondent completed a relapse evaluation at Ochsner Clinic Foundation. On or about July 22, 2005, Respondent signed a 4 year confidential RNP agreement following her relapse by using Clonazepam. On or about November 3, 2005, Respondent completed a 31 day residential treatment program at Red River Treatment Center in Alexandria, Louisiana.

17. On or about August 3, 2009, Respondent submitted a urine drug screen which was positive for Oxymorphone and Hydromorphone. Respondent informed the Louisiana Board that she had been in the hospital with kidney stones. At that time, the Louisiana Board did not have any documentation regarding narcotic medications prescribed to Respondent. On or about

1 August 19, 2009, Respondent self-reported to the Louisiana Board that she had relapsed again for  
2 the second time. On or about August 20, 2009, the Louisiana Board received information from  
3 the administration at Ochsner Hospital in Baton Rouge, Louisiana, that Respondent received  
4 narcotic medications from their Emergency Room. The administration also informed the Board  
5 that several of Respondent's medication charts revealed multiple narcotic discrepancies. On or  
6 about August 28, 2009, the Louisiana Board suspended Respondent's nursing license for a  
7 minimum of 6 months following Respondent's relapse by using Dilaudid.

8 18. On or about October 5, 2009, Respondent completed 32 days of residential treatment  
9 at Red River Treatment Center. On or about January 18, 2010, a Louisiana Board-approved  
10 addictionologist cleared Respondent to return to work as a registered nurse under the condition  
11 that her narcotic privileges be restricted for a minimum of 18 months. On or about February 19,  
12 2010, Respondent entered into a 5 year disciplinary RNP Agreement. On or about June 4, 2010,  
13 Respondent requested the reinstatement of her Louisiana nursing license given her compliance  
14 with RNP, submission of 15 CE hours, and her reinstatement application. The Louisiana Board  
15 subsequently entered the above Consent Order, which Respondent signed on June 21, 2010.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
18 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 627325, issued to  
20 Celestine B. Caruso, also known as Celestine Bergeron Caruso, also known as Celestine Caruso;

21 2. Ordering to Celestine B. Caruso, also known as Celestine Bergeron Caruso, also  
22 known as Celestine Caruso to pay the Board of Registered Nursing the reasonable costs of the  
23 investigation and enforcement of this case, pursuant to Business and Professions Code section  
24 125.3; and  
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3. Taking such other and further action as deemed necessary and proper.

DATED: February 27, 2013 for Stacie Ben  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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